

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
AUGUST 22, 2016  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Mayor La Monte called the meeting to order at 6:33 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Lou La Monte; Mayor Pro Tem Skylar Peak; and Councilmembers Laura Rosenthal and John Sibert

ABSENT: Councilmember Joan House

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, Acting City Clerk; Craig George, Environmental Sustainability Director; Bonnie Blue, Planning Director; Bob Brager, Public Works Director; Matt Myerhoff, Media Information Officer; and Amy Crittenden, Recreation Manager

**PLEDGE OF ALLEGIANCE**

Richard Robertson led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

MOTION Councilmember Sibert moved and Councilmember Rosenthal seconded a motion to approve the agenda, adjourning in memory of Our Lady of Malibu Sister Brigid McGuigan. The motion carried 4-0, Councilmember House absent.

**REPORT ON POSTING OF AGENDA**

Acting City Clerk Glaser reported that the agenda for the meeting was properly posted on August 11, 2016.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

A. Presentation of Proclamation Declaring September 2016 "SurfAid September"

Mikke Pierson thanked the Council, specifically Councilmember Rosenthal for initiating the official relationship between SurfAid and the City, and Mayor Pro Tem Peak for supporting the events.

Mayor La Monte presented the proclamation to Erin Miserlis, US Director of SurfAid International, and Mikke Pierson.

Erin Miserlis discussed the ways fundraising has benefited villages.

B. Presentation of Commendation to Mike Mulligan in Recognition of his California Coaches Association 2015-2016 Coach of the Year Award

Councilmember Rosenthal presented the commendation to Mr. Mulligan.

Mr. Mulligan thanked the community, his colleagues, and his students for their support.

Mayor Pro Tem Peak thanked Councilmember Rosenthal and Mr. Mulligan, his wife, as well as Walt Shirk and Steve Goldberg.

C. Staff Update on the Civic Center Wastewater Treatment Facility Project

Public Works Director Brager presented an update on the Civic Center Wastewater Treatment Facility (CCWTF) project.

In response to Councilmember Rosenthal, Public Works Director Brager stated the City was working with Webster Elementary School and Our Lady of Malibu School to minimize the impact to traffic during drop-off and pick-up times.

In response to Mayor La Monte, Public Works Director Brager stated construction would begin after the Labor Day weekend. City Manager Feldman clarified the lane closure was inside Bluffs Park.

**ITEM 2.A. PUBLIC COMMENTS**

Dave Rydman, Waterworks District 29, discussed conservation in July 2016. Councilmember Rosenthal stressed the importance of continuing to conserve water even though penalties had been lifted.

Harry Lang thanked Mr. Mulligan for all of his help.

Nathan Rucker-Jensen stated Mr. Mulligan was a wonderful coach and friend.

Chris Rucker stated Mr. Mulligan was a great guy.

Amanda Rucker thanked Mr. Mulligan for teaching good sportsmanship and teamwork.

Councilmember Rosenthal thanked Mr. Mulligan

Jacqueline Sutton discussed Steve Lopez and Big Rock Beach

Olga Robertson deferred her time to Richard Robertson

Sophia Tolkachova deferred her time to Richard Robertson.

Anthony Fantozzi deferred his time to Richard Robertson.

Michele Ziffren deferred her time to Richard Robertson

Claudia Cisneros deferred her time to Richard Robertson

Myrna Joy Anderson deferred her time to Richard Robertson

Robert Greene deferred his time to Richard Robertson.

Marcus Beck deferred his time to Richard Robertson.

Mitch and Joleen Julis deferred their time to Richard Robertson.

Russell Kern deferred his time to Richard Robertson.

Richard Robertson discussed the 42-inch high beach access gate at 24038 Malibu Road. He questioned the agency responsible for the height of the gate and stated it should be the same as the other gates on Malibu Road. He stated the public needed to be protected during the day, and the residents needed to be protected at night.

Jonathan Bass stated his property was being vandalized because the beach access gate at 24038 Malibu Road was not being locked at sunset.

Katie Romanovich and Cassidy Koch discussed the Imagine Fest event being held on September 25, 2016, at Paramount Ranch, benefiting Unlikely Heroes. They requested the support of Malibu and surrounding cities.

Mikke Pierson, on behalf of Malibu West Homeowners Association, thanked the Council for the purchase of Trancas Field. He thanked Mr. Mulligan for his dedication to the community.

## **ITEM 2.B. COMMISSION / COMMITTEE / CITY MANAGER UPDATES**

City Manager Feldman congratulated SurfAid and Mr. Mulligan. She encouraged the community to sign up for e-notifications through the City's website. She stated the City and the Sheriff's Department had a plan to manage traffic over the Labor Day holiday. She discussed the history of the beach access 24038 Malibu Road, and stated the Mountains Recreation and Conservation Authority (MRCA)

was in compliance with the permit issued by the City. She stated all gates on Malibu Road were maintained by the MRCA.

In response to Councilmember Rosenthal, City Attorney Hogin stated the existing conditions of the permit could be enforced, but new conditions could not be imposed. In response to Councilmember Sibert, City Attorney Hogin stated City Manager Feldman could communicate with the MRCA regarding enforcement.

City Manager Feldman stated the Sheriff's Department would do additional patrols around 24038 Malibu Road to ensure the safety of residents.

## **ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS**

Mayor Pro Tem Peak congratulated Mr. Mulligan and Mr. Pierson.

Councilmember Rosenthal thanked Mr. Pierson. She stated she attended the Malibu Area Conservation Coalition (MACC) meeting, a Malibu Unification Negotiations Committee meeting, and a Pacific Coast Highway (PCH) Task Force meeting. She announced a Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting on August 23, 2016, and an Advocates for Malibu Public Schools (AMPS) fundraiser at Malibu Lumberyard August 27, 2016. She thanked Ms. Romanovich and Ms. Koch. She stated there would be many community meetings regarding possible uses for Trancas Field. She announced the discussion "Your Voice, Your Library, Your Community," led by Los Angeles County Library Director Sky Patrick at the Topanga Library on August 27, 2016, and the next Library Speaker Series event on August 30, 2016.

Councilmember Sibert discussed sea level rise. He announced a Southern California Association of Governments (SCAG) Regional Council and Energy and Environment Committee meeting on September 1, 2016, regarding public transportation, highway construction, and stormwater.

Mayor La Monte stated he attended a PCH Task Force meeting, and met with a representative from the Los Angeles County Sheriff's Department and the West Valley Commander of the California Highway Patrol regarding patrol of PCH. He stated he also met with those agencies and the Los Angeles Police Department and Santa Monica Police Department regarding improvement of communication within the agencies. He stated he attended The Malibu Times Candidate Leadership workshop, a California Contract Cities Association (CCCA) Executive Board meeting regarding the liability trust fund and a CCAC Board of Directors meeting, and a Los Angeles County Commission on Alcohol and Other Drugs meeting regarding sober living and rehabilitation facilities.

### ITEM 3      CONSENT CALENDAR

Item No. 3.B.3. was pulled by the public and Mayor Pro Tem Peak.

MOTION      Councilmember Sibert moved and Councilmember Rosenthal moved to approve the consent calendar, with the exception of Item No. 3.B.3. The motion carried 4-0, Councilmember House.

The Consent Calendar consisted of the following items:

A.      Previously Discussed Items

1.      Second Reading and Adoption of Ordinance No. 408

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 408 amending Chapter 10.08 of the Malibu Municipal Code to establish speed limits on City streets.

B.      New Items

1.      Waive Further Reading

Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2.      Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 48191-48303 listed on the register from the General Fund and direct the City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 578 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$522,279.20. City of Malibu payroll check numbers 4688-4691 and ACH deposits were issued in the amount of \$169,887.69.

4.      Professional Services Agreement with Stone Environmental, Inc.

Recommended Action: 1) Authorize the City Manager to execute a Professional Services Agreement with Stone Environmental, Inc. to provide consulting services for updates and enhancements to the City's Integrated Wastewater Information Management System; and 2) Appropriate \$163,000 from the General Fund Undesignated Reserve to Account No. 101-2010-5100 (Wastewater Management Professional Services).

5.      Professional Services Agreement with Fugro Consultants, Inc.

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Fugro Consultants, Inc. for maintenance and monitoring services for the Big Rock Mesa, Malibu Road, and Calle Del Barco Landslide Assessment Districts.

6.      Professional Services Agreement with Swag Corporation

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Swag Corporation, a California Corporation doing business as Gates Security, to clear and secure Trancas Canyon Park, Equestrian Park and Las Flores Creek Park daily at sunset.

The following item was pulled for individual consideration:

3. Amendment to Agreement with Malibu Yellow Cab for Dial-A-Ride Services

Recommended Action: 1) Authorize the City Manager to execute Amendment No. 2 to the Agreement with Malibu Yellow Cab, modifying the Scope of Services for the Dial-A-Ride (DAR) program; and 2) Adopt revised City Council Policy #42, DAR Program, to amend the program hours and use restrictions.

Ryan Embree discussed the age of the Malibu Yellow Cab fleet.

Mayor Pro Tem Peak expressed concern for outdated safety features and excessive gas usage of the Malibu Yellow Cab vehicles providing service within the City.

CONSENSUS

By consensus the Council referred back to staff Amendment to the Agreement with Malibu Yellow Cab for Dial-A-Ride Services to request fleet upgrades for safety and mileage.

**ITEM 4 ORDINANCES AND PUBLIC HEARINGS**

A. Amendments to Malibu Municipal Code Chapter 5.34 (Special Events)

Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 409 (Attachment 1), determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and amending Malibu Municipal Code (MMC) Chapter 5.34 (Special Events); and 2) Direct staff to schedule second reading and adoption of Ordinance No. 409 for the September 13, 2016 Regular City Council meeting.

Planning Director Blue presented the staff report.

Councilmember Sibert stated the notice needed to be easily seen.

Mayor La Monte expressed concern for neighbors not having enough advanced notice.

Councilmember Rosenthal indicated support for the staff recommendation.

Councilmember Sibert discussed educating the community on their noticing obligation.

Mayor Pro Tem Peak discussed educating the community about noticing obligations through the Parks and Recreation quarterly newsletter. In response to

Mayor Pro Tem Peak, Planning Director Blue stated the information could be a staple of every issue.

**MOTION** Mayor Pro Tem Peak moved and Mayor La Monte seconded a motion to: 1) introduce on first reading Ordinance No. 409, determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and amending Malibu Municipal Code (MMC) Chapter 5.34 (Special Events); and 2) Direct staff to schedule second reading and adoption of Ordinance No. 409 for the September 13, 2016 Regular City Council meeting. The motion carried 4-0, Councilmember House absent.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 6 NEW BUSINESS**

- A. Power Purchase Agreement with PFMG Solar  
Recommended Action: Consider the terms of the Power Purchase Agreement (PPA) with PFMG Solar for the installation of solar carports at City Hall, and 1) Authorize the City Manager to execute the PPA with PFMG Solar or direct staff bring back to Council an agreement to purchase a solar carport system from Borrego Solar; or 2) Recommend that no solar power system be installed on City Hall property.

Environmental Sustainability Director George presented the staff report.

Ryan Embree questioned the average daily kilowatt usage of the City.

City Attorney Hogin stated negotiations with PFMG Solar had been paused and that the PPA was not ready to be executed as it was presented to the Council.

Councilmember Sibert indicated opposition to the PPA.

Mayor Pro Tem Peak indicated opposition to the PPA. He stated long-term benefit to the City was in purchasing a solar power system outright.

Councilmember Rosenthal indicated support for purchasing a solar power system outright at a later date. In response to Councilmember Rosenthal, Environmental Sustainability Director George stated a purchased solar power system would have a warrantee for production. He discussed the addition of charging stations.

Mayor La Monte expressed concern for purchasing a solar power system in Fiscal Year 2016-2017.

City Manager Feldman stated there was funding in the budget for electric vehicle chargers to be installed at City Hall and was working with Public Works on moving that forward. She advised the Council to consider funding the purchase of a solar power system in Fiscal Year 2017-2018.

Councilmember Rosenthal suggested reconsidering the matter at the mid-year budget review point.

City Manager Feldman stated she would look at grant opportunities and receive an updated quote from Borrego Solar.

#### CONSENSUS

By consensus the Council directed the City Manager to bring back with the mid-year budget review grant opportunities and an updated quote from Borrego Solar for the purchase of a solar carport system.

#### ITEM 7 COUNCIL ITEMS

A. Ban on All Expanded Polystyrene Products (Mayor Pro Tem Peak)

Recommended Action: At the request of Mayor Pro Tem Peak, consider directing staff to bring back an ordinance to amend Malibu Municipal Code (MMC) Chapter 9.24 to: 1) Remove the exemption for polystyrene coolers and ice chests; 2) Expand the ban to all expanded polystyrene products, including food storage and serving products, packaging and shipping materials; and 3) Make the ban applicable to all businesses, organizations and individuals in the City of Malibu.

Jonathan Bass discussed the importance of recycling expanded polystyrene (EPS), Waste Management, and the possibility of his donating to the City a recycling machine for polystyrene.

Staley Prom, Surfrider Foundation, encouraged the City to expand its EPS ordinance.

Mayor Pro Tem Peak presented the item.

Councilmember Sibert indicated support for limiting the amount of EPS in the City, and banning the sale of coolers. He stated Waste Management needed to recycle EPS.

Mr. Bass discussed paper recycling. He stated banning EPS was not a cost-effective solution for other communities.

Councilmember Sibert stated banning the sale of EPS products was a step in the right direction.



Councilmember Rosenthal stated it was difficult to completely ban EPS products from coming into the City.

Mayor Pro Tem Peak discussed the current MMC exemption for coolers and ice chests.

Mayor La Monte indicated support for regulating the sale of EPS products in the City but questioned regulation of individuals bringing EPS products in to the City.

Mayor Pro Tem Peak discussed EPS packaging, adding more Waste to Waves collections, and putting pressure on Waste Management to recycle EPS.

Councilmember Rosenthal questioned the ability to enforce a ban on EPS use by individuals.

Mayor Pro Tem Peak stated EPS products should not be used at the beach and discussed community education.

Mayor La Monte questioned enforcement of a ban on use by individuals.

Mayor Pro Tem Peak discussed the ban of smoking on beaches and the importance of signage and setting an example.

Ms. Prom discussed ordinances enacted by other communities.

#### CONSENSUS

By consensus the Council directed staff to research ordinances banning expanded polystyrene products and bring the results back to Council within one month.

Councilmember Sibert stated EPS coolers were brought to the beach where they would break up, which would not happen with hard encapsulated coolers.

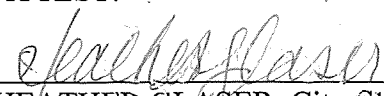
#### ADJOURNMENT

At 9:09 p.m. Mayor La Monte adjourned the meeting in memory of Our Lady of Malibu Sister Brigid McGuigan.

Approved and adopted by the City Council of the  
City of Malibu on September 26, 2016.

  
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LOU LA MONTE, Mayor

ATTEST:

  
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HEATHER GLASER, City Clerk  
(seal)